

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-HC-2136-D

JOSE LUIS YANEZ,)
)
 Petitioner,)
)
 v.)
)
JUSTIN ANDREWS,)
)
 Respondent.)

ORDER

On January 5, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 6]. In that M&R, Judge Numbers recommended that the court dismiss petitioner’s habeas petition pursuant to 28 U.S.C. § 2241 without prejudice. Petitioner did not file objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond. 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the petition. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 6]. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El

v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 29 day of March 2016.

A handwritten signature in black ink, appearing to read "James C. Dever III", written over a horizontal line.

JAMES C. DEVER III
Chief United States District Judge